

REMARKS

Claims 21 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa (5,613,779) in view of Leung et al. (6,596,298) or Robertson (6,516,950) and Romick (3,826,222) or Klatt (2003/0136698). Applicants traverse each of these rejections. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 33 above, and further in view of Velch (5,630,546). Applicants traverse this rejection.

The Office Action alleges that modifications to Romick and Klatt in view of the other cited references render the present invention obvious. However, Applicants submit that such modifications would render Romick and Klatt inoperable for their stated purposes. Applicants submit that it is improper to use such references to render the Applicants' invention obvious. *See In re Gordon*, 733 F. 2d 900, 221 USPQ 1125, 1127 (Fed. Cir. 1984) As such, Applicants submit that the claimed invention is not obvious in view of the teachings of the combined references.

Further, Applicants submit that there is no suggestion to combine or modify Romick or Klatt in view of the other cited references to arrive at the Applicants' invention. When the cited references require a selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. Something in the cited references must

suggest the desirability, and thus the obviousness of making the combination. Romick and Platt are directed to containers having large blisters and Applicants submit that nothing in the references suggest a reason to combine all of the references to arrive at Applicants claimed invention.

Still further, Applicants submit that the current rejections appear to be based on a hindsight analysis based on the Applicants' disclosure. It is not enough for the Examiner to show that some of the elements of the claimed invention may have been known or that it may have been used before. Using the Applicants' disclosure as a blueprint to reconstruct the cited references is not allowed. Applicants submit that piecemeal reconstruction of three plus references in light of the Applicants' disclosure are not a valid basis for a holding of obviousness. Applicants submit that it appears that the current rejections are the result of a hindsight analysis based on the Applicants' disclosure. Applicants submit that this is not proper and withdrawal of all of the current rejections is appropriate.

Still further Applicants submit that Velch is non-analogous art as it is directed holding brochures and the other references are not directed to brochures. The scope of cited references is that which would have been considered by those endeavoring to solve the problem that is solved by the present application. Applicants submit that one skilled in the art would not consider Velch to be analogous art to the other cited references.

In view of the present Amendment and Response, Applicants respectfully request favorable reconsideration.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the number listed below.

Date

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Respectfully submitted,

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